

February 23, 1973

if we wouldn't be extending the coverage further than it is needed and I think it might be more constructive to leave the word "shall" in.

SENATOR LUEDTKE: You mean "may".

SENATOR ANDERSON: Excuse me, leave the word "may" in. Leave it permissive.

SPEAKER: Well, Senator Frank Lewis, did you wish to be recognizes? It looks like, Senator Epke, Burbach, Richendifer. We are still on the Carpenter amendment. Senator Lewis.

SENATOR LEWIS: I thought maybe you'd passed over me there for a minute, Mr. President, but that's all right.

SPEAKER: No. Go ahead, sir.

SENATOR LEWIS: I just have a couple of comments to make very quickly in support of the bill and the amendments. The boards, the elected officials, are the ones that we primarily have a problem with now in covering. For instance, I know that State organizations...that very minimal rates to that organization can provide liability for employees. For instance, as a classroom teacher I was covered by a liability policy issued by the state association, but I think boards because of the increased number of suits and the involvement in the field of litigation, student rights, etc., certainly there is a need for liability protection for school board members. Particularly, because I think this also encourages some to serve, since they serve at no pay, many of them anyway, I think this encourages them to serve so that they know, at least, while they are serving they are covered from any personal liability as a action that they may take which may, inadvertently, find them negligent. So, I would certainly rise to support the concept of the Luedtke bill and Carpenter amendment.

SPEAKER: Senator Epke.

SENATOR EPKE: Mr. President and fellow members, the way this bill is presently written without the Carpenter amendment that says, "may provide this coverage", I think we are doing a great deal here by leaving it just the way it is. I think we need to give them the authority to go ahead and have this coverage, but I don't think this body should do the thinking for all the boards that would be involved under this particular piece of legislation. For that reason, I would oppose the Carpenter amendment.

SPEAKER: Now, Senator Burbach.

SENATOR BURBACH: Mr. President, members of the Legislature, I feel about it as the previous speaker, Senator Epke, but Senator Anderson brought out a point telling about township officials. We also have elected the Weed boards. Are we going into township elected officials, weed boards, and airport authorities, who are elected? I think that these people can make their determinations better than if we say "shall". I know there is a purpose and a reason and a good sound reason for making this possible and I think these are the people who can make the best determination if they feel that they're responsibilities are such that there may be a liable suit or liability involved, and I would oppose the mandatory "shall" for that reason.

SPEAKER: Senator Richendifer, then DeCamp.

SENATOR RICHENDIFER: Mr. President, the responsibility of these officials on down, the personal liability of these peoples, is as great as it would be of a county official or any other official, and many times this isn't thought of. They direct the weed sprayer to go along the road and they kill some lady's garden in the country, the whole thing, they are open for personal liability. I don't think we should